

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

APR 11 2006

U. S. DISTRICT COURT
E. DISTRICT OF MO.

GREATER ST. LOUIS CONSTRUCTION)
LABORERS WELFARE FUND, et al.)

Plaintiffs,)

v.)

GARY SEXTRO, d/b/a CAPITAL)
RESTORATION,)

Defendant.)

Case No. 4:05CV2281AGF

STIPULATION FOR ENTRY OF CONSENT JUDGMENT

Judgment is hereby entered on the following terms:

1. Judgment is entered in favor of plaintiffs and against defendant in the amount of \$19,747.13, consisting of \$18,519.24 in liquidated damages, \$927.89 in interest, and \$300.00 in costs. The amount of the judgment is calculated on the basis of reports submitted for the period of August 1, 2004 through November 31, 2005.

2. Further legal proceedings on the above judgment, including execution on the amounts listed in Paragraph 1, above, shall be stayed contingent on defendants' compliance with the following payment schedule and with paragraph 3, below:

- a. \$1,645.60 to the Funds by the 6th day of each month from March, 2006 through February, 2007; and
- b. \$1,645.53 by February 6, 2007.

3. Stay of execution on the judgment amount set forth in paragraph 1, above, is also contingent on defendant submitting his monthly contribution reports and contribution payments in

a timely fashion, as required by defendant's collective bargaining agreement with Laborers Locals 42-53-110.

4. If defendant fails to comply with either Paragraph 2 or 3, he shall be in default of the Consent Judgment, the entire judgment balance shall become immediately due and plaintiffs shall be entitled to proceed with further legal action including execution on the judgment balance and pursuit of additional amounts owed (including attorney fees that were waived as part of this resolution, as well as post-judgment interest, costs and attorney fees).

5. In addition, such default by defendant, as described in Paragraph 4, above, shall entitle plaintiffs to interest at the maximum lawful rate on the judgment balance from the date of the execution of this Consent Judgment through the date of default, as well as liquidated damages and interest at the maximum lawful rate on any subsequent delinquencies of defendant; furthermore, such default shall entitle plaintiffs to their reasonable attorneys' fees from the date of first demand for submission and/or payment of delinquent contributions.

6. Nothing herein precludes the Funds from subsequently asserting claims against defendant for amounts owed for any time from or after July 31, 2004, as reflected by a future accounting, or from or after January 1, 2006, as reflected by monthly reports submitted by defendant.

Respectfully submitted,

DIEKEMPER, HAMMOND, SHINNERS,
TURCOTTE AND LARREW, P.C.
7730 Carondelet Avenue
Suite 200
St. Louis, Missouri 63105
Phone: (314) 727-1015
Fax: (314) 727-6804



SHERRIE A. SCHRODER, #4307

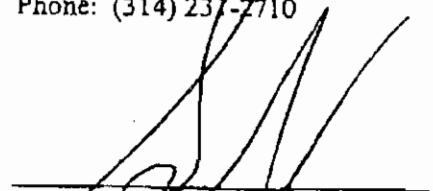
Attorney for Plaintiffs

SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

Dated: 4/11/06

GARY SEXTRO, d/b/a CAPITAL
RESTORATION
913 South 13th Street
St. Louis, MO 63103
Phone: (314) 237-2710


GARY SEXTRO, Pro Se Defendant